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Thursday, September 1, 2022

Hon. Freda L. Wolfson, U.S.D.J. U.S. District Court for the District of New Jersey Clarkson S. Fisher Federal Building 402 East State Street, Room 6050 Trenton, NJ 08608

Re: Fiore, John v. Andover Subacute II

Docket No. 3:22-cv-04474-FLW-DEA

Our File No.: 20-000767

Dear Judge Wolfson:

In connection with the above-referenced nursing home malpractice/wrongful death matter. I represent the Plaintiff.

Presently before Your Honor is a Motion to Dismiss filed by counsel for Defendants, returnable on September 19, 2022, and a Motion for Remand to state court filed by the undersigned, returnable for September 16, 2022.

Plaintiff respectfully requests that the Motion to Dismiss be stayed pending resolution of the Motion for Remand. It is Plaintiff's position that Defendant's Motion to

Case 3:22-cv-04474-FLW-DEA Document 10 Filed 09/02/22 Page 2 of 2 PageID: 331

Dismiss would be rendered moot if the Court grants Plaintiff's Motion for

Remand. Defendants could then refile their Motion to Dismiss in state court.

I contacted Malinda Miller, Esq., counsel for Defendants yesterday to request her agreement and consent to staying the Motion to Dismiss. Ms. Miller advised that she would reach out to her client to obtain consent. In the meantime, Plaintiff's Opposition to the Motion to Dismiss would be due Tuesday, September 6, 2022.

Thanking Your Honor for your time and consideration in this matter, I remain

Respectfully yours,

JAVERBAUM WURGAFT HICKS KAHN WIKSTROM & SININS, P.C.

Francisco J. Rodriguez

FJR/

cc: Malinda Miller, Esq. via ECF

ORDERED that Defendants' Motion to Dismiss is stayed pending the Court's decision on Plaintiff's Motion to Remand; the Motion to Dismiss is ADMINISTRATIVELY TERMINATED, and it shall re-listed if Plaintiff's Motion to Remand is denied; and it is further

ORDERED that should the Motion to Remand be denied, the Court will re-list the Motion to Dismiss and set a new briefing schedule.

Dated: 9/2/22022

<u>/s/ Freda L. Wolfson</u> Hon. Freda L. Wolfson Chief Judge